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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,274

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Bernd Waldmann

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7590

12/29/2006

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EXAMINER

MCNAULL, ALINE D

ART UNIT

PAPER NUMBER

2872

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/29/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/523,274	WALDMANN ET AL.	
	Examiner	Art Unit	
	Aline D. McNaull	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005 and 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/24/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

- Claims 1-15 have been cancelled
- Claims 16-30 remain pending in the current application

Priority

Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Information Disclosure Statement

The information disclosure statement filed 8/24/2005 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

The drawings were received on 2/81/2005. These drawings are objected to by the Examiner.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "L'" and "L" have both been used to designate laser beam. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

Applicant refers to claims by the claim numbers on pages 3 and 4 of the current specification which is objected to and should be replaced with the actual claim language of each claim being referred to. Examiner would like to particularly point out that Applicant refers to cancelled claims in this section of the specification; furthermore,

because the claims would be renumbered in the case of an allowance, the current specification as written would be unclear.

Appropriate correction is required.

Claim Objections

Claims 16-26 is objected to because of the following informalities:

- a) the phrase "of which" in line 2 should be omitted
- b) the term "port" in line 4 should be --part--.

Claims 17-26 depend on Claim 16 and hence inherit the deficiencies of Claim 16.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 18, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by

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the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 18 recites the broad recitation a thermoplastic material, and the claim also recites preferably pigmented with carbon which is the narrower statement of the range/limitation. Examiner suggests changing "preferably" to --that is-- if Applicant would like to define the invention as pigmented with carbon.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Tonar et al., United States Patent No. US 6,193,379 B1, hereinafter Tonar.

Regarding Claim 16, Tonar teaches a mirror component for motor vehicles having at least two parts (see items 302 and 304 in Figure 3), said two parts being firmly

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joined together (see item 306 in Figure 3), at least in sections, along an edge thereof, wherein the two parts are joined by laser welding with respective faces of a receptive edge of each part being flushed against one another (see column 10, lines 1-5).

Regarding Claim 17, Tonar teaches a mirror component wherein at least one part of said two parts is made of a laser-absorbing, weldable material (see column 5, lines 1-10).

Regarding Claim 18, Tonar teaches a mirror component wherein one part is made of thermoplastic material including that is pigmented with carbon (see column 3, lines 5-15).

Regarding Claim 19, Tonar teaches a mirror component wherein the other part of said two parts is made of a laser-permeable, weldable material (see column 10, lines 63-65).

Regarding Claim 20, Tonar teaches a mirror component wherein said other part is made of thermoplastic material (see column 9, lines 55-67).

Regarding Claim 21, Tonar teaches a mirror component wherein the respective faces of the two parts are flat (see column 4, line 65).

Regarding Claim 22, Tonar teaches a mirror component wherein the two parts have the same thickness at their contiguous edges (see items 302 and 304 in Figure 3).

Regarding Claim 23, Tonar teaches a mirror component wherein the other of said parts has a web-like or approximately L-shaped cross section (see items 802 and 804 in Figure 8).

Regarding Claim 24, Tonar teaches a mirror component wherein said other, web-like part is rounded off in an arc at its outer edge (see item 100 in Figure 1).

Regarding Claim 25, Tonar teaches a mirror component wherein the two sides of the other, approximately L-shaped part have different lengths (see items 802 and 804 in Figure 8).

Regarding Claim 26, Tonar teaches a mirror component wherein a face of said other part or the face of its longer side makes an area contact with the edge of the one part (see item 806 in Figure 8).

Regarding Claim 27, Tonar teaches a method for producing a mirror component from two parts being formed together in sections, said method comprising: two parts adapted to be fitted together with contiguous flush edges (see items 802 and 804 in Figure 8); placing said two parts contiguous to one another at the edges (see item 806 in Figure 8); directing a laser beam through at least one part onto the contiguous flush edges and moving said laser beam along the part so that the contiguous edges are molded together (see column 12, lines 30-35 wherein the parts are joined by laser welding).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonar et al., United States Patent No. 6,193,379 B1.

Regarding Claim 28, Tonar teaches a method of producing a mirror component including teaching that a the method includes using laser welding to mold together two components of the mirror EXCEPT lacks teaching specifically the direction of movement of the laser light beam wherein the light beam is moved from a rear side of the one part to the contiguous edges.

It would have been obvious to one of ordinary skill in the art to move the light beam from a rear side of the one part to the contiguous edges so that the operator of the welding equipment would be able to uniformly weld the components together.

Regarding Claim 29, Tonar teaches a method in which the two parts are placed contiguous to one another at their edges (see item 306 in Figure 3), and in that the laser beam is moved along the one part such that the contiguous edges weld together (see column 12, lines 30-35 wherein the parts are joined by laser welding and hence the edges are welded together) EXCEPT wherein a third part is provided which reflects the laser beam onto the contiguous, flush edges of the two other parts.

It would have been obvious to one of ordinary skill in the art to provide a third part which reflects the laser beam onto the contiguous flush edges of the two other parts because this is well known in the art as a good method to control a laser beam.

Regarding Claim 30, Tonar teaches a method for producing a mirror component as disclosed above EXCEPT lacks teaching wherein the laser beam is moved through the third part such that it is reflected from the rear surface thereof to the front surface of the third part, and is reflected from there to the contiguous edges.

It would have been obvious to one of ordinary skill in the art to move a laser beam through a third part such that it is reflected from the rear surface thereof to the front surface and is reflected from there to the contiguous edges because it is known in the art to weld edges together using a laser reflection method because this method provides good control of a laser beam as one welds two parts together.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aline D. McNaul whose telephone number is 571-272-8043. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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12/22/06



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SUPERVISORY PATENT EXAMINER